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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Billy W. Colston et al	Docket No. :	IL-10715
Serial No. :	09/880,515	Art Unit :	1641
Filed :	June 12, 2001	Examiner	M.C. Tran
For :	Portable Pathogen Detection System		

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that the *attached* correspondence comprising:

1. Response To Restriction Requirement (2 pages)
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is being deposited with the United States Postal Service as express mail in an envelope addressed to:

Commissioner for Patents  
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on 5-28-02

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed May 15, 2002, kindly consider the following:

Restriction Requirement

A restriction requirement has been made between Claims 10-12 (Group I), Claims 13-28 (Group II), Claims 1-9 (Group III), and Claims 29-35 (Group IV).

Applicants elect with traverse the Group III, Claims 1-9. It is submitted that the restriction requirement between Claims 1-9 and Claims 29-35 is improper. The mere fact that the claims of Group IV (29-35) do not set forth the same operational steps as Group III (Claims 1-9) does not establish that they constitute separate methods, but establish claims of different scope, not different methods as contended by the Examiner. Similarly, it is submitted that the claims of Group II should not be separated from the claims of Group I. To search the invention of Group III, one would need to search the field of art of the claims of Group IV. Thus, there appears to be no bases for the restriction between the claims of Group III and those of Group IV. Accordingly, the requirement for restriction should be modified to set forth two Groups (Claims 10-28) and (1-9 and 29-35), and examination is believed to be proper for Claims 1-9 and 29-35, and is so requested.

Respectfully submitted,

Dated: 5-28-02

  
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L.E. Carnahan  
Agent for Applicants  
Registration No. 20,555  
Tel. No. (925) 422-5024